

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ALISA JOHNSON, LAURA DAY, and
KOREY THOMAS,

Plaintiffs,

v.

ACTIVEHOURS, INC. d/b/a EARNIN,

Defendant.

Case No. 1:24-cv-02283-JRR

**DEFENDANT ACTIVEHOURS, INC.'S MOTION TO DISMISS
COUNT III OF PLAINTIFFS' SECOND AMENDED COMPLAINT**

In accordance with Federal Rule of Civil Procedure 12, as well as *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), Defendant Activehours, Inc. d/b/a EarnIn (“Defendant”) hereby submits this Motion to Dismiss Count III (Violation of the Maryland Consumer Debt Collection Act) of Plaintiffs’ Second Amended Complaint (Doc. 42) for failure to state a claim upon which relief can be granted. In support of this Motion, Defendant incorporates its Memorandum in Support of the Motion to Dismiss Count III of Plaintiffs’ Second Amended Complaint, the Affidavit of Nakia Blackwell, and accompanying exhibits.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Defendant’s supporting memorandum of law, Defendant respectfully requests that this Court enter an order granting Defendant’s Motion to Dismiss Count III of Plaintiffs’ Second Amended Complaint.

A Proposed Order is attached.

Dated: November 14, 2025

Respectfully submitted,

/s/ Jason C. Rose
Jason C. Rose (Bar No. 27684)

Raquel L. Flynn (Bar No. 30591)
VENABLE LLP
750 E. Pratt Street, Ste. 900
Baltimore, Maryland 21202
Telephone: (410) 244-7553
Facsimile: (410) 244-7742
JCRose@Venable.com
RLFlynn@Venable.com

Attorneys for Defendant Activehours, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November 2025, a true and correct copy of the foregoing was filed electronically with this Court's CM/ECF system, which provided a copy to all counsel of record in this action.

s/ Jason C. Rose
Jason C. Rose